

ORIGINAL

OPEN MEETING AGENDA ITEM



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BEFORE THE ARIZONA CORPORATION COMMISSION

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Arizona Corporation Commission

DOCKETE

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BOB STUMP- Chairman  
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AZ CORP COMMISSION  
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DOCKET NO. E-01345A-13-0140

IN THE MATTER OF THE APPLICATION OF  
ARIZONA PUBLIC SERVICE COMPANY FOR  
APPROVAL OF ITS 2014 RENEWABLE ENERGY  
STANDARD IMPLEMENTATION PLAN FOR  
RESET OF RENEWABLE ENERGY ADJUSTOR.

**PROCEDURAL ORDER**  
**(Granting Intervention)**

BY THE COMMISSION:

On July 12, 2013, Arizona Public Service Company ("APS") filed with the Arizona Corporation Commission ("Commission") its 2014 Renewable Energy Standard Implementation Plan.<sup>1</sup>

Intervention in this matter has been granted to Arizona Solar Deployment Alliance ("ASDA"), Solar Energy Industries Association ("SEIA"), Freeport-McMoRan Copper & Gold Inc. ("Freeport-McMoRan"), and Arizonans for Electric Choice and Competition ("AECC").

On September 27, 2013, Arizona Solar Energy Industries Association ("AriSEIA"), a nonprofit trade association, filed an Application to Intervene ("Motion"). AriSEIA filed, as an attachment to the Motion, a copy of a September 10, 2013, resolution of its Board of Directors authorizing the Chairman of the organization, Mark Holohan, to act on its behalf. The Motion requests that all pleadings, correspondence, discovery, and other documents be served on Mr. Holohan at the address of AriSEIA.

Pursuant to Arizona Supreme Court Rule 31(d)(28), a non-profit organization may be represented before the Commission by a corporate officer, employee, or a member who is not an active member of the state bar, if (1) the non-profit organization has specifically authorized the officer, employee, or member to represent it in the particular matter; (2) such representation is not the person's primary duty to the non-profit organization, but is secondary or incidental to such person's

<sup>1</sup> Decision No. 73922 extended the July 1, 2013 deadline.

1 duties relating to the management or operation of the non-profit organization; and (3) the person is  
2 not receiving separate or additional compensation (other than reimbursement for costs) for such  
3 representation. Arizona Supreme Court Rule 31(d)(28) further states that the Commission or  
4 presiding officer may require counsel in lieu of lay representation whenever it is determined that lay  
5 representation is interfering with the orderly progress of the proceeding, imposing undue burdens on  
6 the other parties, or causing harm to the parties represented.

7 No objections have been filed to AriSEIA's Motion and accordingly, AriSEIA should be  
8 granted intervention. Further, Mr. Holohan should be authorized to represent AriSEIA in this  
9 proceeding.

10 IT IS THEREFORE ORDERED that Arizona Solar Energy Industries Association is hereby  
11 granted intervention.

12 IT IS FURTHER ORDERED that Mark Holohan is hereby authorized to represent Arizona  
13 Solar Energy Industries Association in this proceeding, pursuant to Arizona Supreme Court Rule  
14 31(d)(28).

15 IT IS FURTHER ORDERED that withdrawal of representation must be made in compliance  
16 with A.A.C. R14-3-104(E) and Rule 1.16 of the Rules of Professional Conduct (under Arizona  
17 Supreme Court Rule 42). Representation before the Commission includes the obligation to appear at  
18 all hearings and procedural conferences, as well as all Open Meetings for which the matter is  
19 scheduled for discussion, unless the representative has previously been granted permission to  
20 withdraw by the Administrative Law Judge.

21 IT IS FURTHER ORDERED that pursuant to Arizona Supreme Court Rule 31(d)(28), the  
22 Commission or presiding officer may require counsel in lieu of lay representation if it is determined  
23 that lay representation is interfering with the orderly progress of the proceeding, imposing undue  
24 burdens on the other parties, or causing harm to the parties represented.

25 ...

26 ...

27 ...

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IT IS FURTHER ORDERED that the Presiding Officer may rescind, alter, amend, or waive any portion of this Procedural Order either by subsequent Procedural Order or by ruling at hearing.

DATED this 4th day of October, 2013.

  
TEENA JIBILIAN  
ADMINISTRATIVE LAW JUDGE

Copies of the foregoing mailed/delivered this 4th day of October, 2013 to:

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